

Adulteration of the remaining articles was alleged in substance for the reason that their strength and purity fell below the professed standard and quality under which they were sold, in that the labels represented that the various tablets or pills contained 2 grains of quinine sulphate, $\frac{1}{2}$ grain of morphine sulphate, $\frac{1}{100}$ grain of nitroglycerin, $\frac{1}{4}$ grain of morphine sulphate, $\frac{1}{2}$ grain of caffeine, and $\frac{1}{2}$ grain of soda benzoate, or $\frac{1}{30}$ grain of strychnine sulphate, as the case might be, and that the said belladonna leaves fluidextract contained 0.3 gram of mydriatic alkaloids in each 100 cubic centimeters, whereas the said tablets contained less of the said products than declared on the labels, and the belladonna leaves fluidextract contained less than 0.3 gram of mydriatic alkaloids in each 100 cubic centimeters.

Misbranding of the said tincture of aconite was alleged for the reason that the statements, to wit, "Tincture Of Aconite (Tincture Aconiti U. S. P.) Assayed * * * One hundred mls yields not * * * more than 0.055 gm. of the ether soluble alkaloids of Aconite," borne on the label, were false and misleading, in that the said statements represented that the article was tincture of aconite which conformed to the tests laid down in the United States Pharmacopœia, and that it yielded not more than 0.055 gram of ether soluble alkaloids of aconite per 100 mls, whereas it was not tincture of aconite which conformed to the tests laid down in the said pharmacopœia and did yield more than 0.055 gram of ether soluble alkaloids of aconite per 100 mls.

Misbranding of the remaining products was alleged for the reason that the statements, to wit, "Quinine Sulphate Pills, 2 grs.," "Fluid Extract Belladonna Leaves * * * Standardized to contain 0.3 Gm. of mydriatic alkaloids in each of 100 cc.," "Tablets * * * Morphine Sulphate 1-2 grain," "Tablets Nitroglycerin 1-100 grain," "Tablets * * * Morphine Sulphate $\frac{1}{4}$ grain," "Tablets * * * Caffeine $\frac{1}{2}$ Grain Soda Benzoate $\frac{1}{2}$ Grain," and "Tablets * * * Strychnine Sulphate 1-30 Gr.," as the case might be, borne on the labels of the respective products, were false and misleading, in that the said statements represented that the tablets or pills contained the amount of quinine sulphate, morphine sulphate, nitroglycerin, caffeine, soda benzoate, and strychnine sulphate represented on the label, and that the said belladonna leaves fluidextract contained 0.3 gram of mydriatic alkaloids in each 100 cubic centimeters of the product, whereas the tablets and pills contained less of the above products than declared on the labels, and the belladonna leaves fluidextract contained less than 0.3 gram of mydriatic alkaloids in each 100 cubic centimeters.

On June 22, 1926, a plea of nolo contendere to the information was entered on behalf of the defendant company, and the court imposed a fine of \$100.

W. M. JARDINE, *Secretary of Agriculture.*

14432. Adulteration and misbranding of canned tuna. U. S. v. Marius deBruyn (M. deBruyn Importing Co.). Plea of guilty. Fine, \$500. (F. & D. No. 19704. I. S. Nos. 13474-v, 14145-v to 14151-v, incl., 14381-v, 14735-v, 14736-v, 14737-v, 14738-v, 14740-v, 14742-v, 14748-v, 14749-v, 15624-v, 16254-v, 16486-v, 24590-v.)

On January 6, 1926, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Marius deBruyn, trading as M. deBruyn Importing Co., New York, N. Y., alleging shipment by said defendant, in violation of the food and drugs act, between the approximate dates of December 2, 1924, and February 21, 1925, from the State of New York in various consignments into the respective States of Georgia, Florida, Massachusetts, Tennessee, New Jersey, Kentucky, Pennsylvania, Virginia and Michigan, of quantities of canned tuna fish which was adulterated and misbranded. The article was labeled in part: (Can) "Juanita Brand California Tuna Standard All Light Meat * * * Packed For Discriminating Trade Only."

Adulteration of the article was alleged in the information for the reason that a substance, to wit, yellowtail, had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality, and had been substituted in part for California tuna, all light meat, which the article purported to be.

Misbranding was alleged for the reason that the statement, to wit, "California Tuna * * * Standard All Light Meat Packed For Discriminating Trade Only," borne on the label, was false and misleading, in that the said

statement represented that the article consisted wholly of select California tuna of the best quality, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it consisted wholly of select California tuna of the best quality, whereas it consisted in large part of yellowtail.

On January 18, 1926, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$500.

W. M. JARDINE, *Secretary of Agriculture.*

14433. Adulteration and misbranding of hay. U. S. v. The Raymond P. Lipe Co. Plea of nolo contendere. Fine, \$100 and costs. (F. & D. No. 18727. I. S. No. 709-v.)

On November 26, 1924, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Raymond P. Lipe Co., a corporation Toledo, Ohio, alleging shipment by said company, within and through the jurisdiction of the said court, on or about June 4, 1923, from Applegate, Mich., into the State of Virginia, of a quantity of hay which was adulterated and misbranded. The article was invoiced as "Choice Timothy Hay."

It was alleged in the information that the article was adulterated, in that hay of a lower grade or grades, to wit, U. S. No. 2 Mixed Grass, U. S. No. 3 Mixed Grass, and U. S. Sample Grade Mixed Grass had been substituted wholly for Choice Timothy, which the said article purported to be, and for the further reason that substances, to wit, U. S. No. 2 Mixed Grass, U. S. No. 3 Mixed Grass, and U. S. Sample Grade Mixed Grass had been mixed and packed with the article so as to reduce and lower and injuriously affect its quality and strength.

Misbranding was alleged for the reason that the article was an imitation of and was offered for sale under the distinctive name of another article, to wit, "Choice Timothy Hay."

On February 17, 1925, a motion to quash the information was filed on behalf of the defendant, which motion was overruled by the court. On January 8, 1926, the defendant company entered a plea of nolo contendere, and the court imposed a fine of \$100 and costs.

W. M. JARDINE, *Secretary of Agriculture.*

14434. Misbranding of butter. U. S. v. 193 Pounds of Creamery Butter. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 20336. I. S. No. 3626-x. S. No. C-4798.)

On July 18, 1925, the United States attorney for the Northern District of Alabama, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 193 pounds of creamery butter, at Birmingham, Ala., alleging that the article had been shipped by the Nashville Pure Milk Co., from Nashville, Tenn., on or about July 6, 1925, and transported from the State of Tennessee into the State of Alabama, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Retail package) "One Pound Net Weight Greenfield Creamery Butter."

Misbranding of the article was alleged in the libel for the reason that the statement "One Pound Net Weight," borne on the labels, was false and misleading and deceived and misled the purchaser, and for the further reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the quantity stated on the package was not correct.

On August 1, 1925, the Nashville Pure Milk Co., Nashville, Tenn., having appeared as claimant for the property and having admitted the material allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon the execution of a bond in the sum of \$500, in conformity with section 10 of the act, and it was further ordered that the said product be rebranded in conformity with the act.

W. M. JARDINE, *Secretary of Agriculture.*